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State of Rhode Island and Providence Plantations.

THE ⁴
INHERITANCE TAX ACT
OF 1916

(Public Laws, Chapter 1339, as Amended.)

PASSED BY THE

GENERAL ASSEMBLY

AT ITS

JANUARY SESSION, A. D. 1916

Approved: February 22, 1916
May 5, 1920

PROVIDENCE

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JANUARY SESSION, 1916

CHAPTER 1339

(AS AMENDED)

AN ACT TAXING THE NET ESTATES OF DECEDENTS AND
INHERITANCES, LEGACIES AND GIFTS.

It is enacted by the General Assembly as follows:

SECTION 1. A tax shall be and is hereby imposed upon the net estate of every resident decedent, and upon the net estate of every non-resident decedent consisting of real property located within this state, or any interest therein, as a tax upon the right to transfer. Such tax shall be imposed at the rate of one-half of one per centum upon the excess value of each said estate over \$5,000: *Provided*, that in the case of the estate of a non-resident decedent only such proportion of said exemption of \$5,000 shall be allowed, as the value of the real property located in Rhode Island, or any interest therein, bears to the value of the entire estate wherever located; *and provided, further*, that the executor, administrator or trustee of such non-resident decedent's estate shall file with the board of tax commissioners a sworn statement showing the full and fair cash value of the entire estate. If said statement is not filed as herein provided, no exemption shall be allowed.

SEC. 2. (*As amended by Pub. Laws, 1946, May 5, 1920.*) The value of the net estate of a resident decedent for the assessment of the tax imposed by Section 1 of this act shall be ascertained by taking the full and fair cash value of the real property located within this state and of any interest therein, and of the tangible and intangible personal property of the decedent at the date of his decease, including the property and interests described in paragraphs 2, 3 and 4 of Section 5 of this act, and adding thereto all gains made during the settlement of the estate in reducing the intangible personal property thereof to possession, except so much of such intangible personal property as is represented by bonds and stock in any corporation, and income accruing after death. From the value thus obtained there shall be deducted the amount of all claims legally due and payable in the lifetime of the decedent and allowed against the estate, contingent claims which may become justly due from the estate, funeral expenses, probate charges, fees of appraisers, executors, administrators or trustees, which fees in the opinion of the board of tax commissioners shall seem reasonable, and commensurate with the value of the estate as returned to the board of tax commissioners, the amount of the allowance made for the support of the widow and family of the decedent by the probate court in accordance with law if commensurate with the value of the estate as returned to the board of tax commissioners, and the amount at the death of the decedent of all unpaid mortgages, except mortgages on real property not located within this state, not deducted in the appraisal of the property mortgaged; and there shall also be deducted all losses incurred during the settlement of the estate in the reduction of the intangible personal property to possession, except so much of such intangible personal property as

March 28, 1923

Tax Commission

is represented by bonds and stock in any corporation. No deduction shall be allowed for or on account of any inheritance, succession or estate tax paid to the government of the United States. The value of the net estate of a non-resident decedent for the assessment of the tax imposed by Section 1 of this act shall be ascertained by taking the full and fair cash value of the real property located in Rhode Island, and any interest therein, including such real property and interests in real property as are described in paragraphs 2, 3 and 4 of Section 5 of this act, and deducting therefrom such proportion of the indebtedness of the entire estate of such non-resident decedent as the value of said real property and interests therein, and of any tangible personal property of such decedent located within this state bears to the value of the entire estate: *Provided*, that only the excess of such proportion of indebtedness over and above the value of said tangible personal property shall be deducted from the appraised value of said real property; *and provided, further*, that the executor, administrator, or trustee, of such non-resident decedent's estate shall file with the board of tax commissioners a sworn statement showing the full and fair cash value of the entire estate and the indebtedness of said estate. If said statement is not filed as herein provided, only such debts and expenses as are chargeable to the said real property under the laws of this state shall be deducted. The full and fair cash value of the net estate of a decedent shall be determined by the board of tax commissioners as aforesaid in accordance with the provisions of Sections 22, 23, 24 and 31 of this act.

SEC. 3. (*As amended by Pub. Laws, 1946, May 5, 1920.*) The tax imposed by Section 1 of this act shall be assessed upon the full and fair cash value of the net

estate determined by the board of tax commissioners as hereinbefore provided and notice of the amount of said tax shall be mailed to the executor, administrator or trustee by said board, but failure to receive said notice shall not excuse the non-payment of or invalidate said tax. The board of tax commissioners shall certify the amount of such tax to the general treasurer, who shall receive and collect the taxes so assessed in the same manner and with the same powers as are prescribed for and given to the collectors of taxes by Chapter 60 of the General Laws and by any acts in amendment thereof or in addition thereto. Such tax shall be due and payable by the executor, administrator or trustee of the estate immediately upon notification of the amount thereof, and if not paid within thirty days thereafter shall bear interest at the rate of eight per centum per annum from the date of such notification: *Provided, however,* that nothing herein contained shall be construed to postpone the charging of said interest for a greater period than fifteen months from the date the first appointed executor or administrator shall file his bond, or fifteen months from the date of death of the decedent in case letters testamentary are not issued. Said tax shall be paid direct to the general treasurer of the state for the use of the state, and shall be and remain a lien upon the estate until the same shall be paid, and the executors, administrators or trustees shall be personally liable for such tax until the same is paid. An executor, administrator or trustee may deposit with the general treasurer a sum of money sufficient in the opinion of the board of tax commissioners to pay the tax which may become due under the provisions of Section 1 of this act, and when said tax has been determined and certified as aforesaid the general treasurer shall repay to said executor, administrator or trustee the difference between

the tax certified and the amount deposited, and the lien upon the estate hereinbefore imposed shall be discharged by the acceptance of said deposit. Whenever an inventory is filed with the board of tax commissioners, showing the ownership of real property, said board shall notify the recorder of deeds or the town clerk of the city or town, as the case may be, in which such real property is located, and said recorder of deeds shall note in the land records of his office the decedent's name, and the fact that all real property belonging to said decedent is impressed with a lien under the provisions of the Inheritance Tax Act of 1916. Upon the discharge of said lien, said board of tax commissioners shall send said recorder of deeds a further notice, showing such discharge and the manner thereof. Said recorder of deeds shall be paid by said board of tax commissioners out of any money appropriated for the expenses of said board, a fee of twenty-five cents for a completed entry.

SEC. 4. Whenever claims shall be allowed against the estate of a decedent after the payment of the tax imposed by Section 1 of this act the general treasurer shall upon receiving a certified copy of the records of the probate court or other court of competent jurisdiction showing the proof of the allowance of such claims, or upon receipt of such other proof thereof as may be satisfactory to the board of tax commissioners, refund such equitable proportion of the tax represented by such claims to the executor, administrator, or trustee of such estate, without any further act or resolution making appropriation therefor. Any executor, administrator, or trustee may appeal from the assessment of said tax as provided in Section 26 of this act.

SEC. 5. A tax shall be and is hereby imposed upon any transfer by a resident of this state of any real property

within the state, or any tangible or intangible personal property, or interest therein or income therefrom, and by a non-resident of this state of any real property within the state or any interest therein, to any person or persons, in trust or otherwise, as a tax upon the right to receive, in the following cases:

(1) When the transfer is under a will or by the statutes of decent and distribution of this state.

(2) When the transfer is made by deed, grant, bargain, sale or gift, without valuable and adequate consideration, and in contemplation of the death of the grantor, vendor or donor, or intended to take effect in possession or enjoyment at or after such death. Such tax shall be imposed when any such person becomes beneficially entitled, in possession or expectancy, to any property, or interest therein, or the income therefrom by any such transfer, whether made before or after the passage of this act.

(3) Whenever any person shall exercise a power of appointment, derived from any disposition of property made whether before or after the passage of this act, such appointment when made shall be deemed a transfer taxable under the provisions of this act in the same manner as though the property to which such appointment relates belonged absolutely to the donee of such power and had been bequeathed or devised by such donee by will; and whenever any person possessing such a power of appointment so derived shall omit or fail to exercise the same within the time provided therefor in whole or in part, a transfer taxable under the provisions of this act shall be deemed to take place to the extent of such omission or failure, in the same manner as though the person thereby becoming entitled to the possession or enjoyment of the property to which such power related

had succeeded thereto by a will of the donee of the power failing to exercise such power, and shall take effect at the time of such omission or failure.

(4) Whenever any person during his life shall appoint a trustee naming himself or others as beneficiaries, and providing for the administration of said trust after his death or providing for a termination of said trust and a distribution of the trust estate or any part thereof at his death, a transfer taxable under the provisions of this act shall be deemed to take place upon the death of the creator of said trust.

(5) Dower and curtesy in property located within the state shall be deemed to be interests in real property subject to the tax imposed by this section.

SEC. 6. All taxes imposed by Section 5 of this act shall be assessed by the board of tax commissioners upon the full and fair cash value of the property transferred at the rate hereinafter described and only upon the excess of the exemption hereinafter granted, to be paid direct to the general treasurer of the state, for the use of the state, and all executors, administrators, or trustees shall be personally liable for any and all such taxes until the same are paid. Notice of the amount of said taxes shall be mailed to the executor, administrator, or trustee liable therefor, by said board, and upon request made to them to any other person by whom said taxes are payable, but failure to receive said notice shall not excuse the non-payment of or invalidate said taxes; and unless appeal is taken from such assessment, as hereinafter provided, the amount of taxes so assessed shall be final. Said board shall certify the amount of such taxes to the general treasurer who shall receive and collect the taxes so assessed in the same manner and with the same powers as are prescribed for and given to the collectors of taxes by Chapter 60 of the

- General Laws, and by any acts in amendment thereof or in addition thereto. Payment of the amount so certified shall be a discharge of the tax. Said taxes shall be and remain a lien upon the property transferred, and upon all property acquired by the executor, administrator, or trustee in substitution therefor while the same remains in his hands, until the said taxes are paid or a bond given as
- hereinafter provided, but said lien shall not affect any tangible or intangible personal property after it has passed to a *bona fide* purchaser for value: *Provided, however*, that nothing herein contained shall give the owner of any securities specified in Section 27 of this act the right to have the same transferred to him by the corporation, association, company or trust issuing the same, until the permit required by said Section 27 shall have been filed as therein provided. The lien charged as aforesaid upon any real estate or separate parcel thereof may be discharged by the payment of all taxes due and to become due upon said real estate or separate parcel, or by the filing and acceptance of a bond as provided in Section 11 of this act, or by an order of the board of tax commissioners transferring such lien to other real estate owned by the person to whom said real estate or separate parcel thereof passes. The heir, devisee or other donee shall be personally liable for the tax on such real estate, as well as the executor, administrator, or trustee; and if the executor, administrator, or trustee pays such tax, he shall, unless the same is made an expense of administration by the will or other instrument, have the right to recover such tax from the heir, devisee or other donee of such real estate.

SEC. 7. When any property or any beneficial interest therein or income therefrom shall pass to or for the use of any grandparent, parent, husband, wife, child, brother,

sister, nephew, niece, wife or widow of the son, or husband or widower of the daughter, or any child adopted in conformity with the laws of Rhode Island, or the laws of any other state or country, or any person to whom the deceased for not less than ten years prior to death stood in the acknowledged relation of a parent, or to any lineal descendant born in lawful wedlock, the tax so imposed upon the full and fair cash value of such property, beneficial interest therein or income therefrom shall be as follows: At the rate of one-half of one per centum upon all amounts in excess of the exemption hereinafter specified and not exceeding \$50,000; at the rate of one per centum upon all amounts in excess of \$50,000, and not exceeding \$250,000; at the rate of one and one-half per centum upon all amounts in excess of \$250,000 and not exceeding \$500,000; at the rate of two per centum upon all amounts in excess of \$500,000 and not exceeding \$750,000; at the rate of two and one-half per centum upon all amounts in excess of \$750,000 and not exceeding \$1,000,000; at the rate of three per centum upon all amounts in excess of \$1,000,000.

SEC. 8. When any property or any beneficial interest therein or income therefrom shall pass to or for the use of any person not mentioned in Section 7 of this act, the tax so imposed upon the full and fair cash value of such value of such property, beneficial interest therein or income therefrom, shall be as follows: At the rate of five per centum upon all amounts in excess of the exemption hereinafter specified and not exceeding \$50,000; at the rate of six per centum upon all amounts in excess of \$50,000 and not exceeding \$250,000; at the rate of seven per centum upon all amounts in excess of \$250,000 and not exceeding \$1,000,000; at the rate of eight per centum upon all amounts in excess of \$1,000,000.

SEC. 9. The following exemptions from the taxes imposed under the provisions of Section 5 of this act are hereby allowed:

(1) All property or interests transferred to any corporation, association, or institution, located in Rhode Island, which is exempt from taxation by charter or under the laws of this state, or to any corporation, association, or institution, located outside of this state, which if located within this state would be exempt as aforesaid, or to any person in trust for the same, or to any city or town in this state for public purposes, shall be exempt.

(2) Property or interests therein of a clear value of \$25,000, to be taken out of the first \$50,000 transferred to each of the persons mentioned in Section 7 of this act, shall be exempt: *Provided*, that whenever two or more persons mentioned in Section 7 of this act, other than the wife and minor children of a decedent, are beneficially interested, in possession, enjoyment, or expectancy, in one and the same transfer of property, only such proportion of \$25,000 shall be allowed as an exemption to one such person as the value of his share or interest bears to the total value of such property; *and provided, further*, that the descendants of any person mentioned in Section 7 shall be allowed the exemption of the person they represent, per stirpes and not per capita.

(3) Property or interests therein of a clear value of \$1,000, to be taken out of the first \$50,000 transferred to any person other than the persons mentioned in Section 7 of this act, shall be exempt: *Provided*, that the descendants of any such person shall be allowed the exemption of the person they represent, per stirpes and not per capita.

(4) In the case of the transfer of a non-resident decedent's real property located within this state, or of

any interest therein, only such proportion of the exemptions herein specified shall be allowed as the value of the transferee's share in said real property, or any interest therein, bears to the value of said transferee's share in the entire estate of said non-resident decedent: *Provided*, that the executor, administrator, or trustee of such non-resident decedent's estate or the transferee shall file with the board of tax commissioners a sworn statement exhibiting the full and fair cash value of the entire estate. If said statement is not filed as herein provided, no exemption shall be allowed.

SEC. 10. (*As amended by Pub. Laws, 1946, May 5, 1920.*) All taxes imposed by Section 5 of this act, unless otherwise herein provided, shall be due and payable six months after the first appointed executor or administrator liable therefor shall file his bond, or six months after the date of death of the decedent in case letters testamentary are not issued, and if paid within said period a discount of four per centum shall be allowed and deducted therefrom. If such tax is not paid within nine months from the accrual thereof, interest shall be charged and collected at the rate of eight per centum per annum from the time the tax accrues, unless by reason of claims made upon the estate, necessary litigation, or other unavoidable cause of delay such tax cannot be determined and paid as herein provided, in which case interest at the rate of six per centum per annum shall be charged upon such tax from the accrual thereof until the cause of such delay is removed, after which eight per centum per annum shall be charged: *Provided*, that litigation to defeat the payment of such tax shall not be considered necessary litigation.

SEC. 11. Any executor, administrator, or trustee, or any person or persons beneficially interested in property

chargeable with a tax under the provisions of Section 5 of this act, may elect, with the approval of the board of tax commissioners, not to pay the same until the person or persons beneficially interested shall come into actual possession or enjoyment of such property; in which case such executor, administrator, or trustee, or said person or persons beneficially interested shall give bond to the general treasurer in a penal sum three times the amount of the said tax with such surety or sureties as the general treasurer may approve, conditioned for the payment of the said tax and interest thereon at the rate of four per centum per annum from the date such tax accrues, at such time or period as such beneficiaries or their representatives may come into actual possession or enjoyment of said property, and also with the condition that the obligor shall notify the board of tax commissioners when said time or period of actual possession or enjoyment arrives. Said bond shall be renewed every five years after the filing thereof. The acceptance of such bond by the general treasurer shall discharge all liens for the tax covered thereby upon the property of the decedent, and shall also discharge the executors, administrators, or trustees from personal liability for said tax, except under the terms of said bond.

SEC. 12. Whenever claims shall be allowed against the estate of a decedent after distribution of legacies from which the tax imposed by Section 5 of this act has been deducted, and the legatee is required to refund any portion of the legacy, a due proportion of said tax shall be repaid to him by the executor, administrator or trustee if the said tax has not been paid into the state treasury; and if the said tax has been paid into the state treasury the general treasurer shall upon receiving a certified copy of the records of the probate court or other court of

competent jurisdiction showing the proof of true allowance of such claims, or upon receipt of such other proof thereof as may be satisfactory to the board of tax commissioners, refund such equitable proportion of the tax represented by such claim to the executor, administrator, or trustee of such estate or to the person by whom such tax is paid without any further act or resolution making appropriation therefor.

SEC. 13. When any property or interest therein or income therefrom shall pass or be limited for the life of another, or for a term of years, or to terminate on the expiration of a certain period, the value of the property of a decedent so passing shall be determined as of the date of the death immediately after the death of the decedent, and the value of the said life estate, term of years, or period of limitation shall be fixed upon the "American Experience Tables" of mortality with interest at five per centum per annum; and the value of the remainder in said property so limited shall be ascertained by deducting the value of the said life estate, term of years, or period of limitation from the fair cash value of the property so limited; and the tax on the said estate or estates, remainder or remainders, interest or interests, shall be immediately due and payable and remain a lien upon the entire property limited until paid.

SEC. 14. In determining the full and fair cash value of any property or interest therein, or income therefrom, to the beneficial enjoyment whereof there are persons presently entitled thereto, no allowance shall be made in respect of any contingency upon the happening of which the property, or interest therein, or income therefrom might be abridged, defeated or diminished: *Provided, however,* that in the event of such contingency taking effect as an actual burden upon the interest of the bene-

ficiary, either in abridging, defeating, or diminishing the property, or interest therein, or income therefrom as aforesaid, a return shall be made to the person properly entitled thereto of a proportionate amount of the tax theretofore paid upon said property, in respect of the amount or value of the contingency when taking effect, or so much as will reduce the same to the amount which would have been assessed in respect of the actual duration or extent of the interest enjoyed. Such refund shall be made by the general treasurer, upon notification by the board of tax commissioners of the correct amount thereof, without any further act or resolution making appropriation therefor. The foregoing provisions shall not apply to an estate for life or for years which can be abridged, defeated, or diminished by the act or omission of the legatee or devisee; such estates shall be taxed as if there were no possibility of such abridging, defeating, or diminishing.

SEC. 15. When property is transferred or limited, in trust or otherwise, and the rights, interests, or estate of the transferees or beneficiaries are dependent upon contingencies or conditions whereby they may be wholly or in part created, defeated, extended or abridged, a tax shall be imposed upon such transfer at the lowest rate which on the happening of any said contingencies or conditions would be possible under the provisions of this act, and such tax so imposed shall be due and payable forthwith by the executors or trustees out of the property transferred: *Provided, however,* that on the happening of any contingency or condition whereby said property or any part thereof is transferred to a person who under the provisions of this act, is required to pay a tax at a higher rate than the tax imposed, then such transferee shall pay the difference between the tax imposed and the tax at the

higher rate, and the amount of such increased tax shall be enforced and collected as provided in this act.

SEC. 16. Estates in expectancy which are contingent or defeasible and in which proceedings for determination of the tax have not been taken or where the taxation thereof has been held in abeyance shall be appraised at their full and fair cash value when the persons entitled thereto shall come into beneficial enjoyment or possession thereof, without diminution for or on account of any valuation heretofore made of the particular estate for the purpose of taxation upon which said estate in expectancy may be limited.

SEC. 17. (*As amended by Pub. Laws, 1946, May 5, 1920.*) Whenever a decedent appoints one or more executors or trustees and in lieu of their allowances or commissions makes a bequest or devise of property to them which would otherwise be liable to a tax under this act, or appoints them his residuary legatees, and said bequests, devises or residuary legacies exceed what would be a reasonable compensation for their services, as determined by the board of tax commissioners, such excess shall be taxable as a transfer under the provisions of Section 5 of this act.

SEC. 18. Unless the will or other instrument under which any gift or transfer is made shall direct the taxes imposed by Section 5 of this act to be paid from the residue or as an expense of administration, and the residue is sufficient to pay such taxes, the following provisions shall apply: Any executor, administrator, or trustee having in charge or in trust any legacy or property for distribution subject to the tax imposed by Section 5 of this act shall deduct such tax therefrom. If such legacy or property be not in money, he shall collect the tax thereon upon the value thereof as determined by the

board of tax commissioners from the person entitled thereto. He shall not deliver or be compelled to deliver any specific legacy or property subject to tax under Section 5 of this act to any person until he shall have collected the tax thereon. If any such legacy shall be charged upon or payable out of real property the heir or devisee shall deduct such tax therefrom and pay the same to the executor, administrator or trustee and the tax shall remain a lien or charge on such real estate until said tax is paid, and the payment thereof shall be enforced by the executor, administrator or trustee in the same manner that payment of the legacy might be enforced. If any such legacy shall be given in money to any person for a limited period the executor, administrator or trustee shall retain the tax upon the whole amount; but if not in money, he shall make application to the board of tax commissioners to make an apportionment, if the case require it, of the sum to be paid into his hand by such legatees, and for such further order relative thereto as the case may require. Legatees, distributees, or other donees shall be personally liable for the taxes imposed by Section 5 of this act until the same are paid over by them to the executor, administrator, or trustee: *Provided, however,* that if the will or other instrument directs the payment of such taxes from the residue or as an expense of administration, the said liabilities shall continue until the said taxes are received by the general treasurer or bond is filed as provided in Section 11 of this act.

SEC. 19. (*As amended by Pub. Laws, 1946, May 5, 1920*). The board of tax commissioners, with the approval of the attorney-general, may effect such settlement of the amount of any taxes imposed by this act as they shall deem to be for the best interests of the state, and the payment of the amount so agreed upon shall be a

full satisfaction of such tax. The agreement of the executor, administrator or trustee to such settlements shall be binding upon all persons taking property subject to said taxes, except for fraud, or the manifest error of such executor, administrator or trustee: *Provided, however*, that settlement as to any tax upon gifts or transfers of real estate where no conveyance is made by such executor, administrator or trustee, shall be effected with the person or persons receiving the real estate, or interest therein, which is subject to said tax. Whenever a clerical or palpable error or mistake shall have been made in any inventory or supplemental statement heretofore or hereafter filed with the board of tax commissioners under the provisions of this act concerning any matter of information, or in entering amounts or figures, in such inventory or supplemental statement, the board of tax commissioners may correct the same, reassess the tax and recertify the amount thereof to the general treasurer who shall receive and collect the tax as recertified if said tax has not been paid into the state treasury; if said tax has been paid into the state treasury the general treasurer shall receive and collect any additional amount due or shall refund any overpayment to the executor, administrator or trustee or to the person by whom the tax is paid without any further act or resolution making appropriation therefor, after obtaining the approval of the attorney-general for such refund; *and provided*, that not more than two years shall have elapsed from the payment of said tax.

SEC. 20. Whenever it shall be necessary in the settlement of any estate to retain property or funds for the purpose of paying the claim of any creditor, the amount or validity of which is contested and is not determined, the payment of the whole or a proportionate part of the tax may be suspended, by and with the approval of the

board of tax commissioners, to await the disposition of such claim.

SEC. 21. Every executor, administrator or trustee shall have full power to sell, upon application to the probate court, so much of the property of the decedent as will enable him to pay any tax imposed by this act in the same manner as he might be entitled by law to do for the payment of the debts of the testator or intestate.

SEC. 22. (*As amended by Pub. Laws, 1946, May 5, 1920.*) Every executor and administrator appointed by any probate court of this state, shall within thirty days after his appointment, file with the board of tax commissioners an inventory under oath showing the full and fair cash value of the estate both real and personal of the decedent whom such executor or administrator represents, also the names and addresses of all persons known to be interested in such estate as beneficiaries thereof, and shall within one year thereafter file with said board of tax commissioners a further statement under oath showing the gain or loss in the value of such estate during the settlement thereof, the amounts paid out from such estate for claims, expenses, charges, fees and allowances enumerated in Section 2 of this act, and such statement shall also set forth the names and addresses of all persons entitled to take any share or interest of said estate as legatees or distributees thereof, and the fair cash value of each such share and interest. Whenever any person during his life shall appoint a trustee, naming himself or others as beneficiaries, and providing for the administration of said trust after his death, or providing for a termination of said trust and a distribution of the trust estate or any part thereof at his death, all persons acting as such trustee or trustees shall within thirty days after the death of the creator of such trust, file with the board

of tax commissioners a sworn statement showing the trust agreement, if any, the full and fair cash value of the trust estate, the extent of the duration of such trust, the manner provided for its termination, the names and addresses of the beneficiaries thereof, and any other information relating thereto which said board of tax commissioners may deem necessary for the proper assessment of the tax thereon. The board of tax commissioners shall have authority to grant an extension or extensions of the time within which any such inventory or statement is required to be filed as aforesaid, upon written application of the executor, administrator or trustee desiring such extension, and it shall be the duty of such executor, administrator or trustee, as the case may be, to file such inventory or statement within the extension of time granted by the board of tax commissioners as aforesaid.

SEC. 23. Every probate clerk shall, within thirty days after the granting of letters testamentary or letters of administration upon any estate, notify the board of tax commissioners of the name of the decedent, the name and address of the executor, administrator or trustee appointed, the amount of the bond required by the court, a certified copy of the will and testament of the decedent, a certified copy of the petition for the probate of a will or the appointment of an administrator, and any other information which he may have concerning the estate of such decedent; and shall also furnish forthwith such further information from the records and files of his office in regard to such estate as the board of tax commissioners may from time to time require. The probate clerk furnishing the information required by this section shall be paid by the board of tax commissioners out of any money appropriated for the expenses of said board, a fee of fifteen cents for every hundred words contained in a cer-

tified copy of a petition for the probate of a will or for the appointment of an administrator, or for a certified copy of a will and testament when copies of such documents are made by the probate clerk, but the board of tax commissioners may in its discretion make copies of any such documents or of any other records of the probate court, and if such copies are found by the probate clerk to be correct he shall certify to their correctness and be paid a fee of twenty-five cents for each such certification. All fees paid to a probate clerk under this section shall be disposed of in the same manner as is provided for the disposition of other probate fees under the provisions of Chapter 321 of the General Laws and any acts in amendment thereof or in addition thereto.

SEC. 24. If any inventory or statement filed in accordance with the provisions of this act shall be considered by the board of tax commissioners to be an erroneous or incomplete inventory or statement of the property, real, tangible and intangible, or of any part thereof, of the decedent, the said board of tax commissioners shall within thirty days after the filing of said inventory or statement, give notice to the executor, administrator or trustee filing the same, to appear before them for the purpose of examination of and concerning such inventory or statement, and of and concerning all matters appertaining to the estate and the value thereof of such decedent; and if the executor, administrator or trustee fails to appear before said board after due notice, or if after appearance and examination of such executor, administrator or trustee said board still considers such inventory or statement to be an erroneous or incomplete inventory or statement, or if such executor, administrator, or trustee refuses or neglects to answer the questions propounded by said board in reference to such inventory or statement, said

board of tax commissioners may appraise or appoint a person or persons to act as appraiser or appraisers of such estate. Such appraiser, being first sworn, shall forthwith give notice by mail to the executor, administrator or trustee and to all persons known to have a claim or interest in the estate or property to be appraised, of the time and place of such appraisal and shall at such time and place appraise such estate or property at its full and fair cash value as herein prescribed; and for that purpose said board or said appraiser is authorized to issue subpoenas and to compel the attendance of witnesses and to take the evidence of such witnesses under oath if necessary, concerning such estate or property and the value thereof, and such witnesses shall receive the same fees as those now paid to witnesses subpoenaed to attend the superior court. Such appraiser shall make report thereof and of such value in writing, together with the testimony and depositions of witnesses examined, if any such examination is reduced to writing, to said board of tax commissioner and such other facts in relation thereto and to said matter as said board may order or require. Such appraiser shall receive from said board a reasonable compensation for services and actual and necessary traveling expenses, payment thereof to be made out of the money appropriated for the expenses of the board of tax commissioners. From such report of appraisal and other proof relating to such estate or property before said board of tax commissioners, said board shall determine the full and fair cash value of the estate or property upon which all taxes imposed by this act are computed and the amount of taxes to which the same is liable. If no appraiser be appointed by said board as hereinbefore provided the said board may determine the value of the property upon which all said taxes are computed and the amount of taxes to which the same is liable.

SEC. 25. If any executor, administrator or trustee, probate clerk, or other person shall neglect or refuse to file as required by the provisions of this act any inventory or statement with the board of tax commissioners, or to furnish to said board any other information required by this act to be furnished to said board, or shall neglect or refuse to comply with any subpoena issued by an appraiser under the authority of Section 24 of this act, the board of tax commissioners may apply to any justice of the superior court for Providence county, upon proof by affidavit of such neglect or refusal, for an order returnable in not less than two nor more than five days, directing the person complained of in such affidavit with such neglect or refusal, to show cause before the justice who made the order or any other justice of said court, why such person should not be adjudged in contempt. Upon the return of such order the judge before whom the matter is brought on for hearing shall examine under oath such person, and such person shall be given an opportunity to be heard, and if the judge shall determine that such person has without reasonable cause been guilty of the neglect or refusal complained of, the judge may forthwith commit such offender to jail there to remain until he submits to file the inventory or statement required or to furnish the information required, or to obey the subpoena, as the case may be, or is discharged according to law, or such judge may make any other order in the premises as the circumstances of the case may seem to him to require, and may from time to time alter, amend or suspend any order entered by him hereunder. Notwithstanding, however, anything in this section or the preceding section of this act contained whenever any executor, administrator, trustee or other person liable for any tax imposed under the provisions of this act, refuses or neglects to furnish the

board of tax commissioners with any information which in the opinion of said board is necessary for the proper computation of the taxes payable hereunder, after having been requested so to do, said board of tax commissioners, may in its discretion certify such taxes at the highest rate at which they could in any event be computed.

SEC. 26. An executor, administrator, trustee, legatee or other person aggrieved by the determination of the board of tax commissioners as to the amount of the tax imposed by this act on any estate or any part thereof may, within three months after the payment of any such tax to the general treasurer, and provided such tax has been paid under protest, apply to the superior court in and for the county of Providence by a petition in equity against the board of tax commissioners for the abatement of said tax or any part thereof; and if the said court adjudge that said tax or any part thereof is unfair or excessive or was illegally assessed, it shall order an abatement of such tax or such portion thereof as is unfair or excessive or was illegally assessed, as the case may be, and such order shall be subject to appeal in the same manner as other equity causes. Upon a final decision ordering an abatement of said tax or any portion thereof the general treasurer shall pay the amount of such abatement to the person named in the order of abatement, with interest at the rate of six per centum per annum, without any further act or resolution making any appropriation therefor.

SEC. 27. No banking association organized under the laws of the United States and located within this state, no corporation incorporated within this state, and no unincorporated association or joint stock company or business trust, having certificates representing shares of stock and carrying on business in this state, shall record a transfer of its stock made by any executor, adminis-

trator, or trustee, or issue a new certificate for any such share of its stock at the instance of any executor, administrator, or trustee, or transfer any registered bond or other registered evidence of indebtedness at the instance of any executor, administrator or trustee, until a permit authorizing such transfer has been issued by the board of tax commissioners, and filed with the said corporation, association, company or trust. Any such corporation, association, company or trust making such a transfer before a permit authorizing such transfer as aforesaid has been issued shall be liable for the amount of any tax which may be assessed on account of the bequest or gift of such stock, bond or other evidence of indebtedness, together with the interest thereon, to be collected in an action to be brought in the name of the general treasurer. The board of tax commissioners shall not issue such a permit until all taxes imposed on account of such bequest or gift has been paid, or the payment thereof secured by bond or deposit as hereinbefore provided.

SEC. 28. The amount due upon the claim of any creditor against the estate of a decedent arising under a contract made after the passage of this act, if payable by the terms of such contract at or after the death of the deceased, shall be subject to the same tax imposed by Section 5 of this act upon a legacy of like amount. The value of net estates of decedents or the value of legacies or distributive shares in the estates of decedents, for the purposes of taxation under the provisions of Section 1 and Section 5 of this act, shall not be diminished by reason of any claim against the estate based upon such a contract, except in so far as it may be shown affirmatively by competent evidence that such claim was legally due and payable in the life time of the decedent.

SEC. 29. The final account of an executor, administrator, or trustee shall not be allowed by the court having jurisdiction thereof unless such account shows, and the judge of the court finds, that all taxes imposed under the provisions of this act upon any property or interest therein belonging to the estate to be settled by said account and then payable have been paid or that the payment of said taxes has been secured by bond or deposit as hereinbefore provided, or that said property nor any interest therein is not liable for any tax imposed under this act. The certificate of the board of tax commissioners of the amount of said tax, and the receipt of the general treasurer for the amount of tax so certified, shall be conclusive as to the payment of the tax to the extent of said certification, and the certificate of said board that an estate, property or interest is not liable for any tax imposed by this act shall be conclusive of that fact.

SEC. 30. Except as otherwise provided in this act, every net estate, inheritance, devise, bequest, legacy or gift upon which a tax is imposed under this act shall be appraised at its full and fair cash value as of the date of the death of the decedent.

SEC. 31. If upon the decease of a person leaving an estate liable to a tax under the provisions of this act, a will disposing of such estate is not offered for probate or an application for administration is not made within three months after such decease, the board of tax commissioners may in its discretion, with the approval of the attorney-general, agree with the persons interested in said estate as to the value of said estate and the amount of the tax to be imposed thereon, or said board may apply to the probate court for the appointment of an administrator of such estate, and the probate court upon such application by said board shall appoint an administrator thereof.

SEC. 32. The word "person" wherever used in this act shall be construed to extend to and include corporations, associations, joint stock companies and business trusts.

SEC. 33. Sections 20 to 32, inclusive, of this act shall apply to the taxes imposed under the provisions of Section 1 and Section 5 of this act.

SEC. 34. This act shall take effect upon its passage, and may be cited as the "Inheritance Tax Act of 1916."

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